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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. ,	
09/975,460	10/10/2001	Andrew Ernest Fano	10022/187	4729	
28164 75	10/10/2003		EXAMINER		
	ER GILSON & LIONE	DIXON, THOMAS A			
P O BOX 1039: CHICAGO, IL			ART UNIT	PAPER NUMBER	
	<b>4</b> ,		3629		
			DATE MAILED: 10/10/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.	Applicant(s)
09/975,460	FANO, ANDREW ERNEST
Examiner	Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- Period for Reply

Thomas A. Dixon

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensi after SI - If the po - If NO p - Failure - Any rep earned	eriod for reply is specified above, the maximum to reply within the set or extended period for rep	ns of 37 CFI nmunication (30) days, a statutory pe ty will, by st	R 1.136(a). In no evo a reply within the stat ariod will apply and w tatute, cause the app	ent, however, may a reply be timely filed  utory minimum of thirty (30) days will be considered timely.  ill expire SIX (6) MONTHS from the mailing date of this communical lication to become ABANDONED (35 U.S.C. § 133).  mmunication, even if timely filed, may reduce any	tion.				
Status	_								
	Responsive to communication(s)								
2a) 🗌	This action is FINAL.	2b)□	This action is	non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims									
-	claim(s) <u>20-72</u> is/are pending in th	ne annlic	ration						
-	a) Of the above claim(s) <u>1-19</u> is/ai	• •		rideration					
	Claim(s) <u>20-72</u> is/are allowed.	e withai	awii noni cons	sideration.					
-	Claim(s) is/are rejected.								
	Claim(s) is/are objected to.								
		iation ar	nd/or alastian r						
8) ∐(8 Applicatio	Claim(s) are subject to restr	iction ar	id/of election fo	equirement.					
_	ne specification is objected to by the	he Exam	niner						
· · · · ·	ne drawing(s) filed on <u>10/10/01</u> is/a			⊠ objected to by the Fxaminer					
-		_	· ·	be held in abeyance. See 37 CFR 1.85(a).					
				pproved b) disapproved by the Examiner.					
•	If approved, corrected drawings are r		•						
12)∐ Ti	ne oath or declaration is objected t	o by the	Examiner.						
Priority un	der 35 U.S.C. §§ 119 and 120								
13) 🔲 A	cknowledgment is made of a clair	n for for	eign priority un	nder 35 U.S.C. § 119(a)-(d) or (f).					
	All b) Some * c) None of:								
	☐ Certified copies of the priority		ents have bee	n received.					
2	Certified copies of the priority documents have been received in Application No								
	3. Copies of the certified copies of the priority documents have been received in this National Stage								
	application from the Inter	mationa	Bureau (PCT	Rule 17.2(a)).					
	e the attached detailed Office acti			· ·	- • • >				
				nder 35 U.S.C. § 119(e) (to a provisional applica	ation).				
	☐ The translation of the foreign lags are the complete translation of the foreign lags.  It is made of a claim are the complete translation.  It is made of a claim are the c		•	plication has been received. nder 35 U.S.C. §§ 120 and/or 121.					
بر وسورت !Attachment		ioi doii	iostio priority a	nder 55 5.5.5. 33 125 dilazor 121.					
1) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review ( ation Disclosure Statement(s) (PTO-1449)			4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	_·				

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### **DETAILED ACTION**

## Response to Amendment

- 1. The amendment of 8/18/03 has been entered.
- 2. The declaration of 8/18/03 is convincing.
- 3. This application is in condition for allowance except for the following formal matters:

The drawing changes noted below.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

## **Drawings**

4. The drawings are objected to because it is unclear in figure 24 what the number (2400) that is partially obscured by a black dot is referencing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

The objection to the drawings will not be held in abeyance.

#### Allowable Subject Matter

- 5. Claims 20-72 are allowable.
- 6. The following is an examiner's statement of reasons for allowance:

As per Claims 20, 28, 36, 42, 49, 56, 61, 67 and 70.

The prior art of record, Bouve et al (5,682,525) in view of Ogasawara (6,123,259) do not disclose receiving from a retailer-based agent in response to the query the customized offer for sale of an item of merchandise that is offered for sale from a retailer proximate the user, the item of merchandise that offered for sale being associated with the item of merchandise that the user desires to purchase.

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The claims that depend from the above allowable claims are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Thomas A. Dixon

Examiner Art Unit 3629

October 8, 2003